

HOUSE BILL 1780

By Forgety

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 32 and Title 49, Chapter 4, Part 9, relative to expunction.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-32-101, is amended by adding the following as a new, appropriately designated subsection:

(1) Notwithstanding this section, a person who files a petition for expunction of that person's public records involving a felony offense shall have such records expunged if:

(A) At the time of the filing of the petition for expunction, the petitioner has successfully earned a certificate or degree pursuant to the Community College Reconnect Grant program under § 49-4-927 or Tennessee reconnect grant program under § 49-4-944 and submits proof of such with the petition;

(B) The offense committed for which the petition for expunction is filed is eligible for expunction under subdivision (g)(1)(A);

(C) At the time of filing, the petitioner has never been convicted of any felony offense, including federal offenses and offenses in other states, other than the offense committed for which the petition for expunction is filed; provided, that if the petitioner has been convicted of more than one (1) felony offense and the conduct upon which each conviction is based occurred contemporaneously, occurred at the same location, and represented a single continuous criminal episode with a single criminal intent, and all such convictions are eligible for

expunction under this subsection, the offenses shall be considered a single offense for purposes of this subsection;

(D) The petitioner has fulfilled all the requirements of the sentence imposed by the court for the felony offense the petitioner is seeking to expunge, including:

(i) Payment of all fines, restitution, court costs, and other assessments;

(ii) Completion of any term of imprisonment or probation;

(iii) Meeting all conditions of supervised or unsupervised release;

and

(iv) If so required by the conditions of the sentence imposed, remaining free from dependency on or abuse of alcohol or a controlled substance or other prohibited substance for a period of not less than one (1) year;

(E) The petitioner pays:

(i) The appropriate court clerk's fee pursuant to § 8-21-401 for destroying such records; and

(ii) The clerk of the court a fee of one hundred eighty dollars (\$180) upon the filing of the petition. If the petitioner is unable to pay the fee, the petitioner may enter into a payment plan with the clerk in order to pay the fee in installment payments; provided, however, that no order of expunction shall be granted pursuant to this subsection until the total amount of the fee is paid. Fifty dollars (\$50.00) of the one-hundred-eighty-dollar fee shall be distributed to the Tennessee bureau of investigation for the purpose of defraying the costs incurred from the additional expunction petitions filed and granted as a result of this subsection, and one hundred thirty dollars (\$130) of the one-hundred-

eighty-dollar fee shall be distributed evenly to the district attorneys  
expunction fund and the public defenders expunction fund; and

(F) The petitioner submits with the petition a signed affidavit that the  
petitioner is reformed and will not reoffend.

(2) A person may petition for expunction of a felony offense under this  
subsection only one (1) time.

(3) Subdivisions (g)(15)-(16) shall apply to a petition filed under this subsection.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.